

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY RAY GRANT, JR.,

Plaintiff,

v.

PATRICK COVELLO, *et al.*,

Defendants.

Case No. 2:21-cv-01878-JDP (PC)

ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS

ECF No. 2

SCREENING ORDER THAT PLAINTIFF:

(1) STAND BY HIS COMPLAINT
SUBJECT TO DISMISSAL, OR

(2) FILE AN AMENDED
COMPLAINT

ECF No. 1

THIRTY-DAY DEADLINE

Plaintiff, a state prisoner, raises numerous violations of his constitutional rights against twenty defendants. ECF No. 1 at 4-5. He cannot proceed with so many unrelated claims against multiple defendants. I will give plaintiff an opportunity to amend his complaint. I will also grant his application to proceed *in forma pauperis*. ECF No. 2.

Screening and Pleading Requirements

A federal court must screen a prisoner's complaint that seeks relief against a governmental entity, officer, or employee. *See* 28 U.S.C. § 1915A(a). The court must identify any cognizable claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a

claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. §§ 1915A(b)(1), (2).

A complaint must contain a short and plain statement that plaintiff is entitled to relief, Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024, 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264 n.2 (9th Cir. 2006) (en banc) (citations omitted).

The court must construe a pro se litigant’s complaint liberally. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). However, ““a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.”” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

Analysis

Plaintiff alleges that he slipped on a puddle in the Mule Creek State Prison gym in December of 2020 and injured his knee. ECF No. 1 at 6. Plaintiff alleges that all twenty defendants were deliberately indifferent in failing to provide timely medical care for that injury. *Id.* He does not explain how each defendant was involved in or responsible for his care, however. Plaintiff next alleges that, after he filed grievances concerning his medical care, various defendants retaliated against him, including by writing a false disciplinary violation against him. *Id.* He claims that his due process rights were violated at the ensuing disciplinary hearing at which he was convicted. *Id.* at 6-7. Plaintiff then alludes to other shortcomings in medical care; I

1 cannot tell whether these apparent issues are related to his knee injury or some other ailment. *Id.*
2 at 8. Multiple, unrelated claims against more than one defendant belong in separate lawsuits. *See*
3 Fed. R. Civ. P. 18(a); *see also George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (“Thus
4 multiple claims against a single party are fine, but Claim A against Defendant 1 should not be
5 joined with unrelated Claim B against Defendant 2.”). I will give plaintiff leave to amend and
6 submit a complaint that contains only related claims.

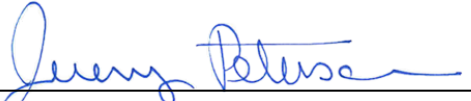
7 If plaintiff decides to file an amended complaint, the amended complaint will supersede
8 the current complaint. *See Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en
9 banc). This means that the amended complaint will need to be complete on its face without
10 reference to the prior pleading. *See* E.D. Cal. Local Rule 220. Once an amended complaint is
11 filed, the current complaint no longer serves any function. Therefore, in an amended complaint,
12 as in an original complaint, plaintiff will need to assert each claim and allege each defendant’s
13 involvement in sufficient detail. The amended complaint should be titled “Amended Complaint”
14 and refer to the appropriate case number. If plaintiff does not file an amended complaint, I will
15 recommend that this action be dismissed.

16 Accordingly, it is ORDERED that:

- 17 1. Plaintiff’s application to proceed *in forma pauperis*, ECF No. 2, is GRANTED.
- 18 2. Within thirty days from the service of this order, plaintiff must either file an
19 Amended Complaint or advise the court he wishes to stand by his current complaint. If he selects
20 the latter option, I will recommend that this action be dismissed.
- 21 3. Failure to comply with this order may result in the dismissal of this action.
- 22 4. The Clerk of Court is directed to send plaintiff a complaint form.

23 IT IS SO ORDERED.

24
25 Dated: April 27, 2022

26 
27 JEREMY D. PETERSON
28 UNITED STATES MAGISTRATE JUDGE